

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARABIAN GAS AND OIL
DEVELOPMENT COMPANY,

Plaintiff,

v.

WISDOM MARINES LINES, S.A., et al.,

Defendants.

Case No. 16-cv-03801-DMR

**ORDER REQUESTING
SUPPLEMENTAL BRIEFING**

Re: Dkt. No. 28

The court has reviewed the parties' briefing on the Defendants Wisdom Marines Lines, S.A., Wisdom Marines Lines Co., Ltd., and SAO Wisdom, S.A.'s motion to dismiss Plaintiff Arabian Gas and Oil Development Company's verified complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and in the alternative to set aside the court's order granting the writ of attachment, and in the alternative for an order to reduce the amount of security and increase the amount of the undertaking [Docket No. 28]. The court requests supplemental briefing, of no more than seven pages per side, to address the following issues:

- 1) Whether an action solely seeking pre-award attachment in connection with a pending foreign arbitration "falls under" the New York Convention pursuant to 9 U.S.C. § 203 for purposes of federal subject matter jurisdiction;
- 2) Whether there is a procedure for obtaining provisional remedies in the London arbitration;
- 3) Whether the complaint, as filed, satisfies the statutory requirements for a writ of attachment under California Civil Procedure § 481.010 *et seq.*, including whether the complaint must state a claim for relief that is separate from the request for writ of attachment (e.g., a breach of contract claim);
- 4) The effect the stay of arbitral proceedings on Plaintiff's counterclaim has on the

1 probable validity of Plaintiff's claim;

2 5) Whether the United Kingdom's arbitration decisions are enforceable in Taiwan;

3 6) Whether Defendants have fixed assets that can be used to satisfy a potential judgment
4 award.

5 The parties shall file their supplemental briefing by no later than 9:00 a.m. on August 3,
6 2016. In responding to the first issue, the parties shall not rely on cases where the basis for federal
7 subject matter jurisdiction was complete diversity.

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9 **IT IS SO ORDERED.**

10 Dated: August 1, 2016



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12 Donna M. Ryu
13 United States Magistrate Judge
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